

## Message Text

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11

ACTION IO-10

INFO OCT-01 AF-04 EUR-12 ISO-00 CIAE-00 DODE-00 PM-03 H-01

INR-05 L-02 NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02

SS-15 USIA-06 SR-02 ORM-01 AID-05 /077 W

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R 130339Z DEC 74

FM USMISSION USUN NY

TO SECSTATE WASHDC 8474

INFO AMEMBASSY LONDON

AMEMBASSY PRETORIA

AMEMBASSY PARIS

AMCONSUL CAPETOWN

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CAPETOWN FOR EMBASSY

E.O. 11652: N/A

TAGS: UN, PFOR, WA

SUBJ: SC: NAMIBIA

REF: USUN 5944

FOLLOWING IS TEXT OF DRAFT RESOLUTION PREPARED BY  
NIGERIAN MISSION, WHICH WILL BE DISCUSSED BY AFRICAN GROUP  
MID-DAY DEC 12:

DRAFT RESOLUTION ON NAMIBIA  
FOR CONSIDERATION OF THE SECURITY COUNCIL

RECALLING GENERAL ASSEMBLY RESOLUTION 2145 (XXI) OF 27 OCT  
1966 WHICH TERMINATED THE MANDATE OF SOUTH AFRICA OVER THE  
TERRITORY OF NAMIBIA (FORMERLY SOUTH WEST AFRICA) AND  
VESTED THE UNITED NATIONS WITH THE DIRECT RESPONSIBILITY FOR  
THE TERRITORY UNTIL ITS PEOPLE ATTAIN SELF-GOVERNMENT AND  
INDEPENDENCE,

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REAFFIRMING ITS RESOLUTION 301 (1971) AND THE GENERAL ASSEMBLY RESOLUTION 3031 (XXVII), WHICH RECOGNIZE THE NATIONAL UNITY AND TERRITORIAL INTEGRITY OF NAMIBIA AND UPHOLD THE INALIENABLE RIGHT OF THE ENTIRE NAMIBIAN PEOPLE TO ACHIEVE SELF-DETERMINATION AND INDEPENDENCE AS A SINGLE TERRITORIAL AND POLITICAL ENTITY,

NOTING WITH REGRET THAT IN DEFIANCE OF THE RESOLUTIONS OF THE UNITED NATIONS AND THE OPINION OF THE INTERNATIONAL COURT OF JUSTICE, SOUTH AFRICA CONTINUES TO OCCUPY THE TERRITORY OF NAMIBIA ILLEGALLY AND TO IMPLEMENT ITS UNLAWFUL BANTUSTAN OR HOMELAND POLICY AND IN PARTICULAR TO PROPOSE ELECTIONS AND PURPORT SELF-GOVERNMENT ON A SEPARATE HOMELAND BASIS IN VIOLATION OF UNITED NATIONS RESOLUTIONS,

REAFFIRMING ITS RES 310 (1972), 301 (1971), AND 264 (1969) AND GA RES 2325 (XXIII) AND 2248 (S-V), CALLING ON SA TO WITHDRAW ITS ADMINISTRATION AND OCCUPATION FORCES FROM NAMIBIA,

RECALLING THE ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE OF 21 JUNE 1971 THAT SA IS UNDER OBLIGATION TO WITHDRAW ITS PRESENCE FROM THE TERRITORY,

NOTING THAT SA HAS REFUSED TO WITHDRAW ITS ADMINISTRATION AND MILITARY AND POLICE FORCES FROM NAMIBIA AND HAS, INSTEAD, REINFORCED AND STRENGTHENED ITS MILITARY FORCES IN THE TERRITORY,

REAFFIRMING ITS RES 311 (1972), 246 (1968), AND 245 (1968), WHICH CALL ON SA TO RELEASE ALL NAMIBIANS IMPRISONED OR DETAINED AS A RESULT OF THEIR OPPOSITION TO APARTHEID AND TO REPATRIATE THOSE HELD IN SOUTH AFRICA UNDER THE TERRORISM ACT,

NOTING THAT, IN VIOLATION OF THE ABOVE-MENTIONED RESOLUTIONS, NAMIBIANS CONTINUE TO BE IMPRISONED AND DETAINED, MANY OF THEM IN SOUTH AFRICA, UNDER SO-CALLED INTERNAL SECURITY LEGISLATION,

NOTING ALSO THAT, IN VIOLATION OF THE UNITED NATIONS CHARTER, LIMITED OFFICIAL USE

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THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, AND THE UNITED NATIONS RESOLUTIONS, SOUTH AFRICA CONTINUES TO APPLY IN NAMIBIA RACIALLY DISCRIMINATORY LAWS AND PRACTICES AS WELL AS REPRESSIVE LEGISLATION, THEREBY SUBJECTING NAMIBIANS TO RESTRICTIONS, ARREST, DETENTION, IMPRISONMENT, AND OTHER PENALTIES, OR THE THREAT THEREOF, AND DENYING THEM THE RIGHT TO BASIC POLITICAL FREEDOMS, INCLUDING THE RIGHTS OF FREE SPEECH AND PRESS, ASSEMBLY, PETITION, AND POLITICAL

ORGANIZATION, AND THE RIGHT TO MOVE FREELY THROUGHOUT THEIR OWN COUNTRY BY IMPOSING AN INQUITOUS SYSTEM OF "PASSES", "INFLUX CONTROL", AND LABOR BUREAUX UPON THEM,

NOTING MOREOVER THAT THE OCCUPATION AUTHORITIES APPLY ILLEGALLY IN THE TERRITORY OTHER SOUTH AFRICAN AND LOCAL LAWS AND PRACTICES IN CONTRAVENTION OF THE U.N. CHARTER AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS,

1. CONDEMNS THE ILLEGAL OCCUPATION OF THE TERRITORY OF NAMIBIA BY SOUTH AFRICA,

2. CONDEMNS THE ILLEGAL AND ARBITRARY APPLICATION BY SOUTH AFRICA OF RACIALLY DISCRIMINATORY LAWS AND PRACTICES AS WELL AS REPRESSIVE LEGISLATION IN NAMIBIA,

3. DEMANDS THAT ALL NAMIBIAN POLITICAL PRISONERS, INCLUDING THOSE BEING HELD ILLEGALLY IN CUSTODY OR DETAINED IN CONNEXION WITH OFFENCES UNDER SO-CALLED INTERNAL SECURITY LAWS, WHETHER SUCH NAMIBIANS HAVE BEEN CHARGED OR TRIED OR ARE HELD WITHOUT CHARGE AND WHETHER HELD IN NAMIBIA OR SOUTH AFRICA, BE RELEASED FORTHWITH,

4. DECLARES AS A NULLITY THE RACIALLY DISCRIMINATORY AND POLITICALLY REPRESSIVE LAWS AND PRACTICES SUCH AS:

(A) SUPPRESSION OF COMMUNISM ACT, NO. 44 OF 1950, AS AMENDED

TERRORISM ACT, NO. 83 OF 1967, AS AMENDED

DEVELOPMENT OF SELF-GOVERNMENT FOR NATIVE NATIONS IN SOUTH WEST AFRICA ACT, NO. 54 OF 1968, AS AMENDED

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NATIVE ADMINISTRATION PROCLAMATION, NO. 15 OF 1928, AS AMENDED

NATIVE (URBAN AREAS) PROCLAMATION, NO. 56 OF 1951, AS AMENDED

ALL EMPLOYMENT BUREAUX REGULATIONS PROCLAMATIONS

REGULATIONS FOR THE ADMINISTRATION OF THE DISTRICT OF OVAMBOLAND PROCLAMATION, NO. R. 17 OF 1972, AS AMENDED;

(B) BANTUSTAN OR HOMELAND SYSTEM,

5. REQUESTS THE UNITED NATIONS SPECIALISED AGENCIES, IN PARTICULAR THE WORLD HEALTH ORGANIZATION (WHO), THE FOOD

AND AGRICULTURE ORGANIZATION (FAO) AND THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO), TO UNDERTAKE SUCH RESEARCH, INVESTIGATION, OPERATIONS AND ACTIVITIES WITHIN NAMIBIA AS MAY BE REQUESTED BY THE UNITED NATIONS COUNCIL FOR NAMIBIA;

6. INVITES THE SECRETARY-GENERAL AND GOVERNMENTS OF MEMBER STATES TO ASSIST THE COUNCIL FOR NAMIBIA AND THE NAMIBIAN PEOPLE TO ESTABLISH A VIABLE ADMINISTRATION IN THE TERRITORY EXPEDIENTLY;

7. DECIDES TO REMAIN SEIZED OF THE MATTER AND TO MEET ON OR BEFORE 14 MARCH 1975 FOR THE PURPOSE OF REVIEWING SOUTH AFRICA'S COMPLIANCE WITH THE TERMS OF THE RESOLUTION AND IN THE EVENT OF NON COMPLIANCE BY SOUTH AFRICA, FOR THE PURPOSE OF CONSIDERING THE APPROPRIATE MEASURES TO BE TAKEN UNDER THE CHARTER.  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TEXT, SOVEREIGNTY, RACIAL DISCRIMINATION, UNGA RESOLUTIONS, DEPENDENCIES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 13 DEC 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** CunninFX  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974USUNN05943  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D740362-0334  
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**Office:** ACTION IO  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 74 USUN 5944  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** CunninFX  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 06 MAY 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <06 MAY 2002 by boyleja>; APPROVED <28 MAR 2003 by CunninFX>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SC: NAMIBIA  
**TAGS:** PFOR, WA, SF, XA, UN  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005